

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

BRET A. BIELEMA

PLAINTIFF

v.

THE RAZORBACK FOUNDATION, INC.

DEFENDANT

No. 5:20-CV-05104

THE RAZORBACK FOUNDATION, INC.

COUNTERPLAINTIFF

v.

BRET A. BIELEMA and NEIL CORNRICH

COUNTERDEFENDANTS

ORDER

On January 22, 2021, the Court entered an order (Doc. 68) allowing The Razorback Foundation, Inc. (“the Foundation”) to file sealed documents in support of its motion to amend its pleadings. The documents were filed under seal because the documents were produced to the Foundation by the New England Patriots (“the Patriots”) with the understanding that the documents would be subject to a protective order, and the Foundation represents that the Patriots persist in that position. The Foundation served counsel for the Patriots with the Court’s order (Doc. 68), as well as with the Foundation’s motion to amend the pleadings.

Because the sealed documents were produced to the Foundation prior to the entry of the protective order on the understanding that the documents would be maintained as “attorney’s eyes only” materials until a protective order was entered, there is no identified basis for applicability of the protective order, nor is that basis immediately apparent for all materials. The Court’s default position is to allow public disclosure of as much of a litigation record as possible. Before allowing the documents at issue here to be publicly disclosed, either entirely or in part, the Court believes

that the Patriots and the parties should have an opportunity to be heard on the matter.

IT IS THEREFORE ORDERED that the parties and the disclosing nonparty may file responses to this order by February 16, 2021, showing cause why documents produced to the Foundation by the Patriots, or specifically identified portions thereof, should or should not remain subject to the protective order entered in this case.

The Clerk is directed to send a copy of this order by mail to the following counsel for the Patriots, identified in the Foundation's certificate of service:

Brandon L. Bigelow, Dallin R. Wilson, and Caleb Schillinger,
Seyfarth Shaw LLP
Two Seaport Lane, Suite 300
Boston, Massachusetts 02210-2028.

The Clerk is further directed to send the notice of electronic filing of this order to those attorneys at the following email addresses, identified in the Foundation's certificate of service:

bbigelow@seyfarth.com
drwilson@seyfarth.com
cschillinger@seyfarth.com

IT IS SO ORDERED this 5th day of February, 2021.

/s/ P. K. Holmes, III
P.K. HOLMES, III
U.S. DISTRICT JUDGE